

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF UTAH**

<b>DR. DANIEL P. WIRT,</b>	)	<b>CIVIL ACTION NO. ____</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>JOHN DOE aka @Deus_Abscondis,</b>	)	
	)	
<b>Defendant.</b>	)	<b>JURY DEMANDED</b>

**COMPLAINT**

NOW COMES DANIEL P. WIRT, by and through his counsel, Mudd Law Offices, and files his complaint against an as yet unknown Defendant JOHN DOE (“Doe” or “John Doe” or “Defendant”) who operates under the pseudonym and Twitter handle @Deus\_Abscondis, upon personal information as to his own activities, and upon information and belief as to the activities of others and all other matters, and states as follows:

**NATURE OF ACTION**

1. This is an action for defamation and false light.
2. By this action, the Plaintiff seeks compensatory damages, punitive damages, and all other relief to which he may be entitled as a matter of law.
3. The Plaintiff seeks in excess of \$75,000.

**PARTIES**

4. The Plaintiff is a citizen of the State of Utah and a resident of Kane County, Utah.
5. Defendant is a resident of the country of Australia.

## **JURISDICTION AND VENUE**

6. This Court has jurisdiction over the subject matter of the Plaintiff's claims pursuant to 28 U.S.C. § 1332 as (a) the Plaintiff is a citizen of this state and Defendant is a citizen of a foreign state, and (b) the amount in controversy exceeds \$75,000.00.

7. This court may exercise personal jurisdiction over the Defendant as he purposefully directed his actions that gave rise to this litigation, in particular his online posts directed at Plaintiff who resides in this jurisdiction, to persons and property in this jurisdiction.

8. Venue is proper in the District of Utah pursuant to 28 U.S.C. §1391(b) in that the Plaintiff has felt the greatest harm arising from the Defendant's conduct in this jurisdiction.

## **FACTUAL BACKGROUND**

### **Plaintiff's Background**

9. Dr. Daniel P. Wirt is a retired physician who practiced in several states in the U.S., predominantly and most recently in Texas, over the span of 30 years in the field of surgical pathology and laboratory medicine.

10. Dr. Wirt graduated from Loyola University Medical School in 1980 (*magna cum laude*) and then trained as an intern, resident, and fellow in pathology from 1981 to 1986.

11. The American Board of Pathology certified Dr. Wirt in anatomic and clinical pathology in 1985.

12. From 1987 to 2017, Dr. Wirt practiced surgical pathology and laboratory medicine in both academic and private group practices.

13. He retired in 2017.

14. Dr. Wirt has several peer reviewed scientific publications in academic journals, including one in the New England Journal of Medicine.

15. Dr. Wirt has never been charged with or convicted of a crime.

16. Dr. Wirt has never been disciplined by the medical board of any state.

### **Online Debate**

17. In September 2020, Dr. Wirt posted comments about the COVID-19 pandemic response in Australia.

18. The Defendant, who based on the content of his tweets appears to live in Australia, and who uses the twitter handle @Deus\_Abscondis, responded to Dr. Wirt.

19. Thereafter, Dr. Wirt and the Defendant engaged in a heated intellectual discussion.

### **False Statements**

20. Over the next weeks, the Defendant accused Dr. Wirt of being a criminal, a quack, a fraud, and made other related accusations.

21. On October 8, 2020, Doe published a tweet about Dr. Wirt in which he provided a hyperlink to an article about “Daniel P. Wirth.”

22. The hyperlinked article discussed the career of Daniel P. Wirth, an individual who researched paranormal healing prior to his arrest and imprisonment on charges of fraud.

23. Doe accused Dr. Wirt of being the known and convicted criminal Daniel P. Wirth, stating: “He dropped the ‘h’. Now it makes sense – ‘In 2004, it was announced that Wirth together with one of his co-workers had been arrested and later imprisoned for fraud.’”

24. As of January 12, 2021, this tweet still remains publicly available on Doe’s twitter account.

25. In essence, Doe published a false statement stating that Dr. Wirt is a known criminal and had committed crimes including fraud.

26. The statement is defamatory *per se* as it accuses Dr. Wirt of being a criminal.

27. On October 8, 2020, Doe, in reply to four other Twitter users, repeatedly referred back to his own post wherein he stated that Dr. Wirt is a known criminal and had committed crimes including fraud.

28. Thereafter, the Defendant published numerous tweets harassing Dr. Wirt.

29. In some of these tweets, the Defendant stated that Dr. Wirt sought to “lock up” the elderly in response to the pandemic.

30. By way of example, on October 11, 2020, Doe tweeted that Dr. Wirt is “the fascist who wants to lock up the vulnerable to ‘protect’ them. Guess what – they are dying from your ‘protection’ – you are an ableist fascist. Older people don’t want your style of protection. You are a #quack.”

31. The use of “quack” represented a false negative statement about Dr. Wirt imputing a lack of competence in the medical profession.

32. On October 11, 2020, Doe tweeted, in relevant part, that Dr. Wirt is “a moron and an ableist abusive and discriminatory #quack [duck emoji].”

33. Again on October 11, 2020, Doe tweeted about Dr. Wirt “YOU are claiming that Japan is doing something CAUSAL in aged protection but you can’t say what the CAUSAL actions are. You are a fraud and a #quack [duck emoji].”

34. On October 11, 2020, Doe tweeted about Dr. Wirt “Your training obviously was wasted – you are a moron, you are a fraud and a #quack [duck emoji].”

35. The foregoing tweets in October (“October Tweets”) followed statements in which the Defendant imputed a lack of ethics, integrity, and a lack of competence.

36. As an example, on September 14, 2020, Doe tweeted about Dr. Wirt stating “[i]f you are a Dr (which I doubt) you ought to have your qualifications stripped from you. You are a disgrace to humanity and the profession. You are advocating increased discrimination towards the vulnerable. Your position is fundamentally unethical, uneducated and hypocritical.”

37. On September 14, 2020, Doe again tweeted about Dr. Wirt stating that he ha[d] no understanding of medicine and science. [He is] an apologist for a death cult fascist mentality of segregation of society based on a neo-Darwinian ideology of the fittest deserving freedom based on arbitrary morality . . . .”

38. The foregoing October Tweets and tweets from September 14 contain false statements of criminal conduct and professional misconduct and, therefore, constitute defamation *per se* (collectively, “Defamatory Statements.”

39. The Defamatory Statements followed what had been a course of harassing conduct from the Defendant.

40. On September 5, 2020, Doe tweeted about Dr. Wirt “Charlatan quack claims to be a doctor but want to create more sickness, hospitalisations and deaths. If he was licensed he would be struck off due to his dangerous fascist death cultist prescription for which he has no evidence.”

41. On September 5, 2020, Doe tweeted about Dr. Wirt “Fascist death cultist quack ‘doctor’ wants more illness, hospitalisations, deaths and increased secondary deaths due to hospitals being choked as a matter of policy based on economic benefit and pseudo-science ‘Dr’ Wirt is a disgrace to the profession.”

42. On September 5, 2020, Doe tweeted about Dr. Wirt “There is no evidence Sweden has achieved herd immunity – you are a quack and a psychopath.”

43. On September 11, 2020, Doe tweeted about Dr. Wirt “Poor man then. Doesn’t stop you from being a quack or misappropriating an identity does it?”

**Targeted Statements**

44. The Defendant directed all of his tweets to Dr. Wirt’s Twitter handle @wirt\_dan which is directly associated with Dr. Wirt and readily identifiable to every person who reads such posts.

45. Further, the Defendant ensured that his tweets would be publicly available for anyone to read.

46. John Doe’s Defamatory Statements caused Dr. Wirt to suffer damage to his reputation, credibility, and dignity.

**COUNT ONE**  
**AS AND FOR A FIRST CAUSE OF ACTION**  
**DEFAMATION *PER SE***

47. The Plaintiff incorporates the allegations and averments in Paragraphs 1-46 as though fully restated herein.

48. The Defendant published false statements about Dr. Wirt.

49. The Defendant published false statements of fact about Dr. Wirt.

50. The Defendant's false statements of fact identified Dr. Daniel P. Wirt directly.

51. The Defendant knew the statements to be false when he published them.

52. In the alternative, if the Defendant did not know the statements to be false when he published them, the Defendant acted recklessly as to the truth or falsity of the statements.

53. The statements made by Defendant were defamatory.

54. The statements made by Defendant constitute defamation *per se* as they accused him of committing crimes and imputed criminal conduct.

55. The statements made by Defendant constitute defamation *per se* as they refer to improper or incompetent conduct involving a Plaintiff's business, trade, or profession, namely as a physician.

56. The statements made by Defendant were not subject to privilege.

57. Alternatively, if the Defendant does benefit from any conditional or qualified privilege, he abused such privilege by knowingly publishing false statements about Dr. Wirt.

58. The Defendant acted with actual malice in publishing the statements about Dr. Wirt.

59. The Defendant's publication of false statements about Dr. Wirt proximately caused Dr. Wirt to suffer damages.

60. Specifically, the publication of the false statements online has caused Dr. Wirt to suffer damages and harm including, but not limited to, harmed reputation, loss of goodwill, and damage to his credibility and dignity.

61. NOW THEREFORE, based on the foregoing, Dr. Wirt seeks compensatory and punitive damages arising from the Defendant's defaming of him in an amount to be determined at trial.

**COUNT TWO**  
**AS AND FOR A SECOND CAUSE OF ACTION**  
**FALSE LIGHT**

62. The Plaintiff incorporates the allegations and averments in Paragraphs 1-46 as though fully restated herein.

63. The Defendant published false statements about Dr. Wirt online.

64. In particular, the Defendant accused Dr. Wirt of criminal conduct.

65. The Defendant knew the statements to be false when he published them.

66. In the alternative, if the Defendant did not know the statements to be false when he published them, the Defendant acted recklessly as to the truth or falsity of the statements.

67. The publication of the false statements about Dr. Wirt would be highly offensive to a reasonable person.

68. As the Defendant published the false statements online, he published them to a widespread audience.

69. A reasonable person would consider the Defendant's conduct to be extreme and



outrageous.

70. The publication of the false statements online has caused Dr. Wirt to suffer damages and harm including, but not limited to, harmed reputation, loss of goodwill, and damage to his credibility and dignity.

71. Based on the foregoing, the Defendant cast Dr. Wirt in a false light.

72. NOW THEREFORE, based on the foregoing, Dr. Wirt seeks compensatory and punitive damages arising from the Defendant casting him in a false light in an amount to be determined at trial.

WHEREFORE, based on the foregoing, Daniel P. Wirt respectfully requests that the Court grant the following relief:

1. That PLAINTIFF DANIEL P. WIRT be awarded compensatory damages in an amount to be determined at trial;
2. That PLAINTIFF DANIEL P. WIRT be awarded punitive damages in an amount to be determined at trial; and,
3. That PLAINTIFF DANIEL P. WIRT be awarded any such other and further relief as this Court may deem just and proper or to which Plaintiff may be entitled as a matter of law and equity.

Dated: Chicago, Illinois  
January 12, 2020

Respectfully Submitted,  
PLAINTIFF, DANIEL P. WIRT

/s/ Charles Lee Mudd, Jr.  
By: One of His Attorneys  
Charles Lee Mudd, Jr.  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF UTAH**

**DR. DANIEL P. WIRT**

**Plaintiff,**

**V.**

**JOHN DOE aka @Deus\_Abscondis,**

**Defendant.**

**CIVIL ACTION NO.**\_\_\_\_\_

## JURY DEMANDED

## JURY DEMAND

The Plaintiff demands a trial by jury.

Dated: Chicago, Illinois  
January 12, 2021

Respectfully Submitted,  
PLAINTIFF, DANIEL P. WIRT

/s/ Charles Lee Mudd, Jr.  
By: One of His Attorneys  
Charles Lee Mudd, Jr.  
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